

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

LESLIE L. KING,	§	
TDCJ #1207346,	§	
Plaintiff,	§	
	§	
v.	§	CIVIL ACTION NO. H-05-3169
	§	
SAJID MURTAZA, <i>et al.</i> ,	§	
Defendants.	§	

ORDER

On September 19, 2005, the Court dismissed the civil rights complaint filed by state inmate Leslie L. King under 42 U.S.C. § 1983. Noting that King sought monetary damages in connection with his alleged unlawful confinement, the Court found that his claims were barred by *Heck v. Humphrey*, 512 U.S. 477 (1994). King has filed a motion for leave to amend his complaint and a motion for leave to proceed *in forma pauperis*. (Docket Entry Nos. 10, 11). Both motions are denied for reasons set forth briefly below.


Citing Rule 15 of the Federal Rules of Civil Procedure, King seeks leave to amend his complaint to withdraw claims for monetary damages. He asks the Court to allow him to proceed under the federal habeas corpus statute, 28 U.S.C. § 2254, and to amend the complaint accordingly to seek injunctive relief only from his conviction. The Court has already considered a federal habeas corpus petition from King and dismissed that proceeding without prejudice because King has not exhausted his state court remedies. *See King v. Dretke*, Civil Action No. H-03-3442 (S.D. Tex.). Because it would be futile to allow the

requested amendment, it is **ORDERED** that King's motion for leave to amend (Docket Entry No. 10) is **DENIED**.

King has also submitted a motion for leave to proceed *in forma pauperis*. The Court has already granted King's request for leave to proceed as a pauper in this case. (Docket Entry No. 6). Accordingly, it is **ORDERED** that King's pending motion for leave to proceed *in forma pauperis* (Docket Entry No. 11) is **MOOT**.

The Clerk will provide copies of this order to the parties.

SIGNED at Houston, Texas, on **October 14, 2005**.



Nancy F. Atlas
United States District Judge